

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**MARIANNE ROCHELLE
THOMPSON,**

Plaintiff,

vs.

CIV. NO. 1:23-00216-KRS

**MARTIN O'MALLEY,
Commissioner of Social
Security,**

Defendant.

ORDER

The Court, having reviewed the parties' Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 29), **HEREBY ORDERS** that attorney fees are awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$8,000.00. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney). **IT IS FURTHER ORDERED THAT**, Plaintiff is entitled to costs in the amount of \$402, which is to be paid from the Department of Justice's Judgment Fund, 28 U.S.C. § 2412. *See* 28 U.S.C. § 2412(a)(1).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



KEVIN R. SWEAZE

UNITED STATES MAGISTRATE JUDGE